

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 21ST DAY OF JUNE 2011

BEFORE

THE HONBLE MR.JUSTICE MOHAN SHANTANAGOUDAR

W.P.No.9197/2010 (GM-RES)

BETWEEN:

Syndicate Bank,
A Bank constituted under
The Central Act 3 of 1970
Having its Head Office at
Manipal, Udupi District,
Represented by its Central
Public Information Officer,
Sri K Murali, Assistant
General Manager,
General Administration
Department Premises and
Maintenance Department,
Head Office, Manipal.

... Petitioner

(By M/s.Prabhu and Dave, Adv.)

AND :

1. Central Information Commission
Represented by the Central
Information Commissioner,
Club Building, Old J.N.U Campus,
New Delhi - 110 067.

2. Sri R N Abrol,
M/s.Abrol Associates,
G-15, Palika Bhavan,
Opp. Hotel Hyatt Regency,
R K Puram, Sector 13,
New Delhi 110 066.

.. Respondents

(By Kumar and Kumar Adv. for R2)

This writ petition is filed under article 226 & 227 of the Constitution of India praying to quash the order dated 16.2.2010 bearing file No.CIC/SM/C/2009/000500 and CIC/SM/A/2009/000690 passed by the respondent No.1 Annexure-L.

This writ petition coming on for preliminary hearing in 'B' group this day, the Court made the following:-

ORDER

The petitioner has sought for quashing the order vide Annexure-L passed by the Central Information Commissioner, New Delhi, by which the petitioner was directed to provide requisite information to the 2nd respondent within ten working days from the receipt of the copy of the order. The information pertains to the relevant minutes of the Board meeting held on 18.12.2003 dealing with the pending claims of M/s.Abrol Associates, respondent No.2 herein.

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2. The records reveal that the 2nd respondent was doing certain works of furnishing for the petitioner - Bank. In that connection, the Bank was due certain amount to the 2nd respondent. The 2nd respondent had availed overdraft facilities from Munirka Branch of Syndicate Bank and stopped operating the said account in the year 1994. Consequently, the petitioner - Bank filed a recovery suit in respect of its dues of a sum of Rs.2.04 lakhs with interest etc. in Suit No.212/2002 on the file of the learned Civil Judge at New Delhi. In the said suit, both the claims were settled mutually and consequently the petitioner - Bank paid the remaining dues of Rs.5,10,345.08 paise to the 2nd respondent. Annexure-B reveals that Suit No.212/2002 was dismissed as withdrawn as settled. Annexure-C discloses that the 2nd respondent has declared that he does not have any claim against the petitioner-Bank as per mutually agreed and approved by the Board of Bank. Thus, it is clear that the claims of both the parties were settled out of Court and the suit came to be dismissed based on such settlement. These things

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happened as back as on 27.2.2004 (Annexure-D). After about 4½ years, the 2nd respondent filed an application as per Annexure-E dated 6.10.2008 seeking copy of the decision taken by the Board of Syndicate Bank on 18.12.2003 regarding the pending claims of the 2nd respondent. Copy of the application is produced at Annexure-E to the writ petition. As on 06.10.2008, there is no pending claim of the 2nd respondent against the petitioner. However, the Public Information Officer of the Bank informed the 2nd respondent that the minutes of the Board meeting is purely an internal document and attracts the provision of Section 8(1)(d) of the Right to Information (RTI) Act, 2005. The order of the Information Officer was appealed against the petitioner - Bank before the Appellate Authority. The appeal was came to be dismissed assigning almost the similar reasons. Thereafter the 2nd respondent approached the 1st respondent by way of an appeal under Section 19(1) of the RTI Act, 2005. The 1st respondent has passed the impugned order .

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3. The claims do not exist after February, 2004 in respect of both the parties. The disputes relating to monetary transactions were settled and the same was recorded by the jurisdictional Civil Court. In this view of the matter, the 2nd respondent was not correct in mentioning in his application that he wants the aforementioned information relating to existing claims. As the disputes were settled between the parties long back, I am of the considered opinion that the matter has become stale and therefore it should not have been reopened by the 2nd respondent. Be that as it may, the prayer of the 2nd respondent was only to get copy of the relevant minutes of the Board meeting held on 18.12.2003 pertaining to his transaction. He is not interested to get copies of minutes of Board meeting held on 18.12.2003, if they are confidential in nature. But the transaction between the parties is purely commercial one. In this view of the matter, the minutes of Board meeting of the Bank in respect of closure of the case, which was pending before the Civil Court as on 18.12.2003 should not have been treated as confidential

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in nature by the authorities of the Bank. Sri Prabhu, learned counsel for the petitioner however submits that the minutes of Board meeting held on 18.12.2003 may contain any other details apart from the matter relating to the 2nd respondent and in that sense, the minutes of Board meeting held on 18.12.2003 are confidential in nature. He further submits that it is open for the 2nd respondent to peruse the relevant minutes of the Board meeting held on 18.12.2003 with regard to his case by approaching the Bank. He brings to the notice of the Court that the 2nd respondent has already approached the Bank and perused the relevant minutes of the Board meeting. But the counsel appearing for the 2nd respondent does not have any information in that regard from the 2nd respondent. Be that as it may, the interest of justice will be met, if the petitioner is directed to permit the 2nd respondent to peruse the copies of the minutes of the Board meeting held on 18.12.2003 dealing with the pending claims of M/s.Abrol Associates. Hence, the following:

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The impugned order dated 16.2.2010 vide Annexure-L passed by the 1st respondent stands modified. The petitioner is directed to permit the 2nd respondent to peruse the minutes of the Board meeting held on 18.12.2003 dealing with the claims of the 2nd respondent.

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Sd/-
JUDGE